

Before the Board of Zoning Adjustment, D.C.

PUBLIC HEARING--November 17, 1965

Appeals 8445-46 Myron P. Erkiletian and Jerome A. Kaplan and the Rosemont Cemetery Assn. appellants.

The Zoning Administrator District of Columbia, appellee.

On motion duly made, seconded and unanimously carried the following Order was entered on November 24, 1965:

**ORDERED:**

That the appeal to permit erection of groups of apt. bldgs. with division walls from the ground up and deemed a single building; for a variance from the FAR, lot occupancy and story limitations of the R-5-A District to permit same, located at Stanton Road near B Place, S.E., lots 803, 805, 807, 809, 811, 813, 815, 817, 819, 821 and 801, square 5879; and lots 918, 920 and parcels 221/77 and 221/75, square 5876, be granted.

From an inspection of the property by the Board, and from the records and the evidence adduced at the hearing, the Board finds the following facts:

(1) Appellant's property, which is located in the R-5-A District, has a frontage of approximately 684 feet on Stanton Road; approximately 1092 feet on its northern boundary, approximately 709 feet on its eastern boundary and approximately 198 feet on its southern boundary, said property being "pie shaped". The property is bounded on the north, east and south by Government property. The property contains an area of 469,024 square feet of land.

(2) Appellant proposes to improve this property with nine buildings, eight of which consist of groups of apartment houses with division walls from the ground up, each building to be deemed a single building to permit a .9 FAR and 40% coverage and to permit one of said group of buildings (adjacent to Stanton Road) to have a height of four stories but within the required 40 foot height. Regulations require under paragraph 3307.13 that the buildings occupy no more than 25% of the lot area nor exceed an FAR of 0.65.

(3) The development of this property will provide <sup>412</sup>411 units and 415 parking spaces.

(4) Appellant has based his hardship on the topography of the property in question which he contends precludes him from development in accordance with the Zoning Regulations.

(5) There was no objection to the granting of this appeal registered at the public hearing.

**OPINION:**

We are of the opinion that the erection of this group of apartments will not affect adversely the present character or future development of the neighborhood and can be granted in harmony with the general purpose and intent of the Zoning Regulations and maps, and will not tend to affect adversely the use of neighboring property in accordance with said Zoning Regulations and maps, said area being located with a street frontage with the remaining boundaries of the property

adjoining Government property.

We are further of the opinion that appellant has proven a case of hardship within the provisions of Section 8207.11 of the Zoning Regulations due to the severe topography of the property in question.

This Order shall be subject to the following:

- (a) Appellant's development shall meet all applicable provisions of Section 3307 of the Zoning Regulations.